

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 13973 Permit 8392 License 4321

**ORDER CORRECTING DESCRIPTION OF SOURCE,
RATE OF DIVERSION, POINT OF DIVERSION
AND PLACE OF USE**

WHEREAS:

1. License 4321 was issued to F. Bricarelli and was recorded with the County Recorder of Mendocino County on April 24, 1956.
2. License 4321 was subsequently assigned to Thomas M. Sadowsky.
3. A review of the correspondence filed for the project under License 4321 was conducted by the State Water Resources Control Board (SWRCB) staff on November 19, 1996. Staff determined the description for the source should be described as the Russian River (underflow); a reduction in the former 30.86 acre place of use (POU) to the present 14 acre POU; commensurate reduction in the duty of water from 0.375 cubic foot per second (cfs) to 0.17 cfs; and correction to the description of the point of diversion (POD) and POU to conform with the revised physical location shown on the 1975 photorevised (7.5') U.S. Geological Survey quadrangle map-Ukiah.
4. The SWRCB has determined the said corrections for source, duty of water, POD and POU do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The license condition pertaining to the continuing authority of the SWRCB should be updated to conform to the current common law version as contained in Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the source be corrected to read as follows:
Russian River (underflow) tributary to Pacific Ocean.
2. The duty of water under this license be corrected to read as follows:
The amount of water diverted for beneficial use under this license be corrected from 0.375 cfs to 0.17 cfs from May 1 to about November 1 of each year.
3. The description for the point of diversion under this license be corrected to read as follows:
South 1,600 feet and West 1,000 feet from NE corner of projected Section 17, T15N, R12W, MDB&M; being within SE¼ of NE¼ of said Section 17.

4. The acreage within the licensed place of use be corrected to read as follows:

14.0 acres within a portion of Lots 1 and 20 of the Yokayo Rancho, being within the SE¼ of NE¼ of projected Section 17, T15N, R12W, MDB&M; as shown on map on file with SWRCB.

5. The continuing authority condition under this license be amended to read:

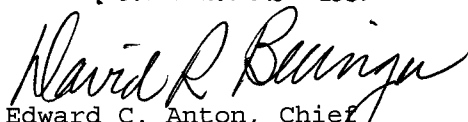
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **JANUARY 29 1997**

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 13973

PERMIT 8392

LICENSE 4321

THIS IS TO CERTIFY, That **F. Bricarelli**
Box 58
Ukiah, California

has made proof as of August 18, 1954,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Russian River in Mendocino County

tributary to Pacific Ocean

for the purpose of irrigation

under Permit 8392

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from October 2, 1950; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed three hundred seventy-five thousandths (0.375) cubic foot per second to be diverted from about May 1 to about November 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located south thirty-seven (37) feet from NE corner of Lot 1, Brunner-Briggs Addition No. 1 in Lot 19 of Yokayo Rancho, being within said Lot 1, and also being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T15N, R12W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows: 30.86 acres within Lots 1, 2, 3, 7, 15, 16 and 17, Brunner-Briggs Addition No. 1 in Lots 19 and 20 of Yokayo Rancho as shown on map on file with State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein conferred subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 24TH day of April, 1956

HARVEY O. BANKS,
Assistant State Engineer

By 
L. C. Jopson
Assistant State Engineer

2/8/90 Asgd to Thomas M. Sadowsky

LICENSE 4321

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO F. Bricarelli

DATED APR 24 1956

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